

LEON COUNTY
ATTORNEY GENERAL

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COUNTY ORDINANCE NO. 00- 31

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, ADOPTING THE BRADFORDVILLE SECTOR PLAN; AMENDING CHAPTER 10, LAND DEVELOPMENT CODE, OF THE LEON COUNTY CODE OF LAWS RELATING TO THE BRADFORDVILLE STUDY AREA; ADOPTING A SPECIAL DEVELOPMENT ZONE FOR CERTAIN LAND SURROUNDING LAKE McBRIDE; AMENDING THE STORMWATER MANAGEMENT STANDARDS OF ARTICLE VII, DIVISION 2; ADOPTING DESIGN STANDARDS FOR THE BRADFORDVILLE CENTER COMMERCIAL DEVELOPMENT; ADOPTING A NEW BRADFORDVILLE COMMERCIAL AREA OVERLAY DISTRICT; ADOPTING TIMING AND PHASING FOR COMMERCIAL DEVELOPMENT; ADOPTING A SCENIC OVERLAY DISTRICT; AMENDING THE ENVIRONMENTAL MANAGEMENT ACT (EMA) STANDARDS; ADOPTING CONSERVATION SUBDIVISION DEVELOPMENT STANDARDS; AMENDING HISTORIC PRESERVATION OVERLAY DISTRICT STANDARDS; AMENDING THE PERMITTED USES FOR THE BC-1, BC-2, BCS AND BOR ZONING DISTRICTS; ESTABLISHING A RIGHTS DETERMINATION PROCESS; REPEALING COUNTY ORDINANCE NO. 99-31 CREATING INTERIM DEVELOPMENT REGULATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS on the 16th day of July, 1990, the County adopted the Tallahassee-Leon County Comprehensive Plan (the "Comprehensive Plan"), in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, Fla. Stat. § 163.3161 *et seq.*, which has been certified by the State of Florida Department of Community Affairs; and

WHEREAS the Land Use Element Summary of the Comprehensive Plan provides that "[t]he natural environment is a major component in the quality of life equation for Leon County. As such it must be protected"; and

WHEREAS Goal 1 of the Stormwater Management component of the Comprehensive Plan provides for creation of "a stormwater management system which protects the health, welfare and safety of the general public . . . and protects surface water and groundwater quality"; and

WHEREAS Land Use Goal 2 of the Comprehensive Plan provides for planning for "population growth, public and private development . . . and the proper distribution, location and extent of land use . . . consistent with adequate levels of services and efficient use of facilities and the protection of natural resources . . ."; and

WHEREAS, Land Use Goal 8 of the Land Use Element of the Comprehensive Plan identifies the Bradfordville Study Area as an area of concern and provides that "future growth for this area . . . must occur in a timely manner that is compatible with natural resources and existing development and is supported by appropriate facilities and services"; and

WHEREAS the Comprehensive Plan provides for the development and implementation of a comprehensive stormwater management plan following the completion of a stormwater and lake study for the Bradfordville Study Area (the "Stormwater Study"); and

WHEREAS the County employed Environmental Research and Design, Inc. ("ERD") to undertake the Stormwater Study and ERD has completed the Stormwater Study; and

WHEREAS the Comprehensive Plan calls for the implementation of the Stormwater Study (Objective 8.1) through appropriate modifications of and amendments to the Land Development Regulations, Chapter 10 of the Leon County Code (Land Development Regulations)("LDRs"); and

WHEREAS the Comprehensive Plan establishes several policies and objectives for development in the Bradfordville Study Area, and requires the County to adopt LDRs to implement these policies and objectives (Land Use Goal 8), which policies and objectives include, but are not limited to, discouraging urban sprawl, preserving the rural character, providing adequate facilities and services (Objective LU 8.4 and 8.5); protecting environmentally sensitive areas (Objective LU 8.3); adopting design standards for development review (Objective LU 8.5); and ensuring commercial services commensurate with population growth (Policy LU 8.4.1, 8.4.2); and

WHEREAS the County has been experiencing substantial growth within the Bradfordville Study Area reflected in an increasing number of applications for development approval; and,

WHEREAS planning for stormwater protection, land use, and development in the Bradfordville Study Area has been completed; and

WHEREAS, due to growth pressures and their potential impact on stormwater management, the aquifer, traffic, and other areas of concern, the County has adopted appropriate levels and type of service for all adequate public facilities to be provided in the Bradfordville Study Area as a whole; and

WHEREAS on December 14, 1999, the County adopted the Interim Development Ordinance of Leon County, Florida, Ordinance No. 99-31, in order to allow the County time to plan for the appropriate development of the Bradfordville Study Area while preventing incompatible development from being undertaken during the planning process; and

1 WHEREAS the County has completed its review process of the Bradfordville Study Area
2 and has determined that the Bradfordville Sector Plan attached hereto sets forth an appropriate plan
3 of development for the Bradfordville Study Area which is consistent with the Comprehensive Plan;
4 and

5 WHEREAS the County has determined that the amendments to the Land Development
6 Regulations set forth in this Ordinance are consistent with and implement the provisions of the
7 Bradfordville Sector Plan and the Comprehensive Plan; and

8 WHEREAS the County has determined that the changes to the Land Development
9 Regulations contained in this ordinance are appropriate regulations of the use, area requirements,
10 environmental protection, design, compatibility, historic preservation, timing, phasing and
11 sequencing standards, and requirements for all development within the Bradfordville Study Area;
12 and

13 WHEREAS, pursuant to Florida Statutes § 163.3233 (2)(b) and Section 10-1975 (2)(b) of the
14 Leon County Land Development Regulations, Leon County may apply subsequently adopted
15 federal, state and County laws, regulations and policies to a development that is subject to a
16 development agreement if such laws and policies are essential to the public health, safety or welfare
17 and expressly state that they shall apply to development that is subject to a development agreement;
18 and

19 WHEREAS harm will occur to the health, safety and welfare of the citizens of Leon County
20 by the continued development in the Bradfordville Study Area without requiring all development
21 to conform to the standards and policies set forth in the Bradfordville Sector Plan and to comply with
22 the new stormwater management plan standards set forth in the LDRs contained in this Ordinance
23 and to be adopted in furtherance of the findings of the Stormwater Study including, but not limited
24 to, protecting the aquifer and the lakes in the Bradfordville Study Area from increased amounts and
25 rates of stormwater runoff, sediment and pollutant level in the stormwater runoff and other similar
26 environmental factors, all of which are required to protect against imminent and emergency threats
27 to the public health, safety and general welfare of Leon County; and

28 WHEREAS the County has determined that it is necessary that all development in the
29 Bradfordville Study Area, including developments subject to a development agreement, be subject
30 to the provisions of this Ordinance, to the extent permitted by law.
31

BE IT ORDAINED by the Board of County Commissioners of Leon County, Florida, as follows:

SECTION 1. PURPOSE AND INTENT

1. The purpose and intent of this Ordinance is to establish new standards for development in the Bradfordville Study Area so as to discourage urban sprawl; preserve the rural character of the area; protect and enhance the natural surface water bodies in the area; eliminate potential stormwater problems in the area and reduce harm from flooding; maintain commercial services commensurate with population growth; provide for the development of a Bradfordville commercial center; establish design standards for development review; appropriately locate land uses; provide for an efficient and effective transportation system; ensure the availability of concurrent and adequate public facilities (including transportation, stormwater management, sewer, water, parks and open space); establish appropriate and necessary standards for the development and use of land in the Bradfordville Study Area; protect scenic viewsheds; protect historic resources; and establish appropriate design standards for development to protect the health, safety and welfare of current and future residents.

SECTION 2. FINDINGS

- (a) The Board hereby finds that the land uses, amount, rate, density and intensity of new development and all other aspects pertaining to development as set forth in the Bradfordville Sector Plan for the Bradfordville Study Area are compatible with and further the objectives, policies, land uses, and densities and intensities set forth in the Comprehensive Plan and are consistent with the Comprehensive Plan, including but not limited to the provisions relating to the Bradfordville Study Area.
- (b) The Board hereby finds that the provisions contained in this Ordinance amending the Land Development Code of Leon County for the Bradfordville Study Area are consistent with the Comprehensive Plan and the Bradfordville Sector Plan.

1 **SECTION 3. ADOPTION OF THE BRADFORDVILLE SECTOR PLAN**

2 The Board hereby adopts the Bradfordville Sector Plan, which is attached hereto as Attachment A
3 and incorporated herein by reference.
4

5 **SECTION 4. REVISIONS TO THE LAND DEVELOPMENT REGULATIONS**

6 The Land Development Regulations of Leon County Florida are hereby amended by adding and
7 amending as follows:
8

9 **ARTICLE VII: ENVIRONMENTAL MANAGEMENT**

10 *Subdivision I. General Provisions*

11 **Sec. 10-192. Special development standards for environmentally sensitive zones.**

12
13 (f) Lake McBride Special Development Zone. A special development zone adjacent to
14 Lake McBride and its tributaries is hereby designated within which the following
15 minimum design and development standards shall apply, notwithstanding any
16 provisions in any state law or regulation or other local ordinance:
17

18 (1) Zone A. The 100-year floodplain around the lake and its tributaries, plus a
19 50 foot buffer adjacent to watercourses and water bodies, plus regions of
20 greater than 10% slope and soil erosion K factor greater than 0.2 contiguous
21 with and not extending more than 200 feet upland of the 100-year floodplain
22 boundary.
23

24 a. Development area limitations.
25

26 1. Development, as defined by 10-1 and 10-167 is excluded
27 from zone A., except as specifically permitted by section
28 10-192(f)(1)a.2., below.
29

30 2. For previously platted residential lots or residentially zoned
31 lots of record entirely within, or where more than 25% of the

area of such lot is within, zone A, clearing, soil disturbance, and building area shall not exceed the greater of 4,000 square feet or five percent of that part of the development site located within zone A hereafter referred to as the base square footage. For purposes of calculating this base square footage, the septic tank and drainfield area shall not be included and only 50% of gravel driveways kept on grade will be included.

3. No cut and fill and no fill except as necessary and specifically authorized by a grading and filling permit for permitted impervious areas.

b. Natural vegetation protection zone.

All vegetation located in the following area shall be protected in a natural state: the area from the water's edge or the normal high water line, whichever provides the greater area of protection, to a minimum distance of 50 feet upland or the full extent of the flood zone, whichever is greater, except that a single path with a maximum width of 30 feet, may be cleared and maintained to provide essential access to the water and any permitted dock. Noxious or invasive vegetation listed on the Florida Exotic pest Plant Council's List Of Invasive Species or its successor publication, may be removed pursuant to a vegetation management plan which is to submitted to and approved by the Director. Annual (or less frequent) cutting of woody plants, controlled burning, and planting of native species, such as to improve the environmental function of the area, is allowed pursuant to a vegetation management plan which is to submitted to and approved by the Director.

c. Motor vehicle prohibition.

Automobiles, motorcycles, dune buggies, or other wheeled motorized or tracked vehicles shall not be allowed within any portion of zone A, including any portion of lake bottom periodically exposed as a result of natural or artificial drawdown, except as follows:

1. Controlled and limited entry shall be allowed into those areas which must be entered to provide reasonable access to permitted structures, to approved boat launching areas, to public parks, to approved rights-of-way, or to public roadways which shall be authorized by an environmental permit.
2. Lawn mowers shall be allowed in areas within zone A which lie landward of the natural vegetation zone, unless otherwise prohibited by this article.
3. Entry shall be allowed where associated with bona fide public uses, such as agency research, law enforcement, and approved lake restoration and management activities, pursuant to a special access permit.

(2) Zone B. Transitional ecotone, from the upland boundary of the zone A boundary to a buffer extending 200 feet upland from the 100-year floodplain boundary:

a. Development area limitations.

1. Soil disturbance and building areas shall be limited to 50 percent of the area of each site within Zone B or $\frac{1}{4}$ of an acre within Zone B, whichever is less. Within this area, the ground cover may be managed, mowed or landscaped.

(3) Allowable land uses. See Section 10-975.

(gf) *Transfer of development intensity and density.* Unless otherwise specified for a particular zone, development density for building areas, in terms of permitted coverage with impervious surfaces and multifamily density, as specified for special

1 development zones, may be transferred by approval from the Board of County
2 Commissioners from any lower to any higher elevations within the same ownership,
3 provided such development is a cluster plan development, PUD or site and
4 development plan development and is ~~permitted accordingly:~~ approved through the
5 appropriate review process established by this Code.
6

7 (hg) *Special development zones maps.* Maps generally depicting special development
8 zones are on file in the Tallahassee-Leon County Planning Department and the
9 county ~~growth and environmental management~~ Community Development
10 Department and are by reference made a part hereof. Should any discrepancy or
11 dispute arise with regard to the location of any parcel or any existing or proposed
12 improvements thereon, relative to special development zones as mapped, the
13 applicant may provide a survey performed by a registered land surveyor to clarify the
14 exact location of his parcel and any existing or proposed improvements relative to
15 the special development zone. Such discrepancy shall be resolved by the County
16 Administrator or the Administrator's designee.
17

18 Subdivision III. Bradfordville Standards

19

20 Sec. 10-220. Intent.

21 It is the intent of this Subdivision to provide more stringent standards that will protect the unique
22 natural features within the Bradfordville Study Area. The requirements of this Subdivision are
23 supplemental to the requirements of the EMA. If there are any standards in any other part of the
24 EMA which are more restrictive than the standards set forth herein, the more restrictive standards
25 shall apply. The Bradfordville Study Area is that area so defined in the Bradfordville Sector Plan
26 adopted by the Leon County Board of County Commissioners on July 11, 2000.
27

28 Sec. 10-221. Stormwater treatment standards within the Bradfordville Study Area.

29 Stormwater runoff from new development in the Bradfordville Study Area shall meet the standards
30 set forth in this section in addition to other standards within Article VII.
31

(a) Stormwater runoff shall be treated to one of the following standards below:

(1) Systems utilizing on-line dry retention only. A volume of runoff calculated as 4.00 inches times the total impervious area that will be situated on the site shall be retained on the site or in an approved master stormwater facility. This calculation can exclude the wetted area of the pond/stormwater facility. This volume of runoff shall be collected from the entire developed portion of the site and directed to on-line dry retention storage. Retention can occur in cisterns, ponds, shallow swales, landscaped areas, or natural areas.

(2) Systems utilizing a combination of off-line dry retention and detention:

a. Off-line retention shall be provided with a treatment volume calculated as 2.50 inches times the total impervious area on the site.

b. Detention portion of system -in addition to the dry retention volume, one of the following detention options shall also be provided:

1. Dry detention systems will provide a treatment volume calculated as 2.00 inches times the total impervious area on the site, or

2. Wet detention system with a permanent pool volume equivalent to 2.9 inches times the impervious area onsite.

c. The calculation of the above volumes can exclude the wetted area of the stormwater facility.

d. Runoff from the entire developed portion of the site shall be directed in sequence to each of the above facilities.

(b) Drawdown requirements:

- (1) For on-line dry retention (Sec. 10-221(a)(1)), the entire treatment volume must recover within 72 hours.
 - (2) For off-line dry retention (Sec. 10-221(a)(2)a.), the entire treatment volume must recover within 24 hours.
 - (3) For dry detention systems (Sec. 10-221(a)(2)b.1.), the treatment volume must recover within 72 hours. Dry detention systems will not include underdrains but will utilize an orifice or V-notch weir for drawdown. The bottom of the drawdown device will be a minimum of 6 inches above the pond bottom.
 - (4) For wet detention systems (Sec. 10-221(a)(2)b.2.), the bottom of the weir crest will be a minimum of 12 inches above the normal water level (seasonal high groundwater table elevation).
 - (5) Regardless of the method of volume recovery, the entire retention volume must recover within the time frame established above unless an approved continuous analysis, using Tallahassee Airport rainfall data from January 1, 1959 to December 31, 1998, demonstrates that the total volume retained within the stormwater system over the forty year period is greater than or equal to that retained by a dry retention system as set forth in subsection (1) based on the above described recovery times. For systems requiring a combination of retention and detention, this analysis shall only be used for the retention portion of the system. The detention portion of this combination system will still be required in full pursuant to subsection (a)(2)b.
- (c) For calculating the treatment volume required for pervious pavements and graveled areas, initially such surfaces shall be assumed to be 100 percent impervious, then deductions in the required treatment volume for such areas can be taken that is

1 equivalent to:

2
3 (1) The porosity of the pavement material times the thickness of the
4 paving material times a safety factor of 0.5.

5
6 (2) If, and only if, the soils immediately underlying the pavement for a
7 depth of 18 inches have a permeability of 3 inches per hour or greater, as
8 demonstrated by onsite percolation tests, then a further deduction can be
9 taken equivalent to the porosity of the soil strata times 4 inches times a safety
10 factor of 0.5.

11
12 The above deductions will be allowed provided that the applicant specifically commits, in
13 his Stormwater Operating Permit, to regularly sweep/vacuum the area covered with pervious
14 pavement and to verify the pavement's percolation capacity when the Operating Permit is
15 renewed.

16
17 (d) Groundwater table:

18
19 (1) Where volume recovery is to be by percolation, groundwater mounding
20 calculations to demonstrate recovery of the retention volume pursuant to the
21 requirements set forth in subsection (b) above shall be required unless the
22 applicant conclusively demonstrates by other engineering methods that pond
23 recovery will not be adversely affected by an elevated groundwater table. If
24 the bottoms of all retention areas intended to percolate stormwater are shown
25 by soil borings to be less than 3 feet above the historical wet-season high
26 water table, a mounding analysis shall be required.

27
28 (2) For dry detention systems, the bottom elevation of the detention basin shall
29 be a minimum of 1 foot above the historical seasonal high groundwater table.

30
31 (e) Where volume recovery is to be by irrigation, the rate of land application shall not

1 exceed 1.5 inches per week unless the applicant can conclusively demonstrate that
2 the on-site soil conditions and vegetation warrant a higher application rate. Under
3 no circumstances shall irrigation water be allowed to discharge from the irrigation
4 site.

5
6 (f) The requirements in this section shall not preclude the applicant from voluntarily
7 choosing to design and construct the on-line dry retention facility as an off-line
8 facility.

9
10 (g) Facility design standards.

11
12 (1) Facility Configuration: All on-line facilities shall have a flow-path-length to
13 flow-path-width ratio of 2:1 or greater. The inlets and outlets shall be on
14 opposite ends of the facility. If this is not possible, the effective flow length
15 shall be increased by adding diversion barriers within the facility as necessary
16 to provide this minimum flow length.

17
18 (2) Retention ponds/areas shall have 4H:1V maximum side slopes on a sufficient
19 length of the perimeter to allow adequate maintenance access to the bottom
20 of the facility. If any of the side slopes are steeper than this, a security fence
21 shall be placed completely around the perimeter of the facility and located
22 exterior to the maintenance access ways. The fence shall not be required if
23 the pond depth is less than 18 inches.

24
25 (3) Wet detention ponds shall have 6H:1V maximum side slopes to 2 feet below
26 the normal water level, then a maximum side slope of 2H:1V to the bottom.

27
28 (4) Retention facilities shall have flat bottoms in order to maximize the surface
29 area for percolation.

30
31 (5) Maintenance access requirements:

- 1 a. For every facility, the owner or developer shall provide, at a
2 minimum, a 15 feet wide clear and stable access to the facility from
3 the nearest "public" right-of-way or road. Such access shall be
4 evidenced by a recorded reservation or grant of an easement, which
5 shall run with the land, to the benefit of the County.
6
7 b. For retention facilities with an overall depth greater than 18 inches,
8 provide, at a minimum, a 15 feet wide clear, level and stable access
9 around a sufficient portion of the perimeter of the facility, that is
10 inside of any fences and external to the top-of-bank of the facility, to
11 allow adequate maintenance from dry land. For retention facilities
12 with an overall depth of 18 inches or less, provided the facility has
13 side slopes of 4 horizontal to 1 vertical (or less) on at least one side
14 of the facility, the applicant can provide the above access on the
15 sloped side of the facility only. Any access required by the
16 provisions of this subsection shall be evidenced by a recorded
17 reservation or grant of an easement, which shall run with the land, to
18 the benefit of the County.
19
20 c. The minimum inside radiuses of all access ways shall be 20 feet.
21
22 d. Adequate access for both personnel and mechanized equipment shall
23 be provided to all inlet and outlet structures.
24
25 e. If Leon County is proposed to be the maintenance entity for any
26 stormwater management facility permitted under this section, either
27 by dedication, or by reservation of an easement, or by any other
28 process, the applicant shall submit the engineering design for the
29 facility directly to the Leon County Department of Public Works for
30 its review and approval as to the adequacy of maintenance access to
31 the facilities. An environmental permit shall not be issued until the

1 applicant demonstrates, in writing, the approval of the Department of
2 Public Works.

3
4 (6) Skimmer/trash rack requirements:

5 a. Trash/leaf traps with easy maintenance access shall be provided at
6 key inlets and all outlets from a facility unless the applicant can
7 conclusively demonstrate that it is not possible.

8
9 b. All outlet structures shall have an oil skimmer that extends above and
10 below any outlet structure opening.

11
12 (7) Energy dissipation requirements:

13
14 a. Energy dissipation devices sufficient to prevent erosion and
15 resuspension of loose sediments shall be placed on all inlets to
16 retention facilities.

17
18 b. Energy dissipation devices sufficient to prevent downstream channel
19 erosion shall be placed at the outlets of all retention facilities.

20
21 (8) Stabilization of stormwater treatment facilities:

22
23 All berms and side slopes shall be stabilized with pinned sod. Pond bottoms
24 can be seeded and mulched. Restabilization by the contractor or owner shall
25 be necessary until such time that the sod is fully rooted and otherwise well
26 established.

27
28 (9) Rate control as required in Section 10-208 (1) can be provided within any of
29 the above water quality treatment facilities provided that the water quality
30 treatment as required within this section is fully satisfied prior to any
31 overflow/discharge from the facility.

1
2 Sec. 10-222. Wetlands.
3

- 4 (a) Jurisdictional determination. The beneficial functioning of wetlands as areas for the
5 natural storage and filtration of surface water runoff shall be protected, and shall be
6 enhanced where functional degradation has occurred. Final determination of a
7 wetland area, if in question, shall be made by the Director based on a site inspection
8 and the documentation of findings pursuant to the definition of a wetland in Chapter
9 62-340, F.A.C.
10
11 (b) Boundary determination. Determination of the actual extent of a wetland area on a
12 development site shall be made by a qualified professional retained by the applicant,
13 based on soils analysis, botanical review surveying, or other standard engineering or
14 environmental analysis practices, and subject to review and approval by the Director.
15
16 (c) Protection of topography and hydrocycle. Existing natural topography shall be
17 maintained within wetland areas. No alterations shall be made within a wetland area
18 to the natural fluctuation of water levels or flows unless such alterations are part of
19 an approved stormwater detention or retention system, or unless such alterations are
20 necessary for an approved utility system. In either case, such alterations are limited
21 to wetlands which have been determined to be degraded to the extent that their
22 ecological functions have been significantly and detrimentally degraded. As a
23 condition of the use of such a wetland, the design of the overall wetland alteration
24 shall result in the substantial re-establishment of the natural functioning of the
25 undisturbed portion of the wetland as described in the 1988 DER Florida
26 Development Manual Guide to Sound Land and Water Management, or its successor
27 publication. Wetlands which have been cleared as the result of silviculture
28 operations, wetlands which have been subjected to animal activity during agricultural
29 operations, wetlands which have been disturbed through activities which are a
30 violation of the Leon County Code, and as determined by the Director, wetlands
31 which may have their beneficial level of functioning restored through natural

processes, will not be considered degraded for the purposes of this subsection. If none of these conditions apply, the Director shall determine a wetland to be significantly and detrimentally degraded if at least four of the five following conditions apply:

- (1) No evidence of utilization by wildlife (mammals, aquatic birds, reptiles, amphibians, fish, and invertebrates) whose life cycles are dependent on wetland communities.
- (2) Vegetation if present is not indicative of a natural community type recognized in published scientific literature.
- (3) Greater than 75% of the vegetation is comprised of upland plant species or undesirable exotic species.
- (4) Evidence of draining, ditching, dredging, filling, or sediment deposition that has negatively impacted the hydrology of the feature.
- (5) Physical quality of soil is reduced as evidenced by pore size, rupture resistance, and structure.

Sec. 10-223. Best management practices for conservation and preservation areas.

Best management practices shall be used in conjunction with all new development and all redevelopment in areas within designated canopy road corridors or within 50 feet of any floodplain, floodway, wetland, waterbody, natural watercourse, high quality successional forest, native forest, active karst feature, habitat area of any endangered, threatened, or special concern species, or any other environmentally sensitive area as identified in the Tallahassee-Leon County Comprehensive Plan, Conservation Element. Notwithstanding anything to the contrary in the definition of best

1 management practices set forth in section 10-1, the best management practices for conservation and
2 preservation areas within the Bradfordville Study Area are set forth below and are in addition to any
3 other best management practices required by any provision of this Code:

- 4
- 5 (a) Buffering, which shall include vegetated berms along the lower contours of lots, so as to
6 provide or improve wildlife habitat and to improve water quality. Berms or buffers shall be
7 vegetated with natural indigenous vegetation suitable for soil and hydrology of the site.
- 8
- 9 (b) Restricted use of pesticides, herbicides, and fertilizers to those materials which have rapid
10 decomposition characteristics, are labeled for aquatic use, and are used at the lowest possible
11 label rates. Fertilizer constituents should have at least 50 percent slow release characteristics,
12 be applied at the lowest labeled rate per application, be a non-phosphorous or low
13 phosphorous analysis, and be formulated for good slope retention characteristics.
- 14
- 15 (c) Preservation or revegetation of natural wetlands, floodways and watercourses.
- 16
- 17 (d) Use of native, low-fertilization, and low-maintenance vegetation.
- 18
- 19 (e) Regular maintenance and upgrading, as necessary, of septic tanks and approved discharges
20 from washing machines and garbage disposals.
- 21
- 22 (f) Soil conservation service approved conservation practices, including erosion and sediment
23 control and water quality practices for all agricultural operations.
- 24
- 25

26 **Sec. 10-224. Natural area requirements.**

27 Maintenance of natural areas. A management plan submitted as part of the environmental
28 management permit application is required for all pre-development vegetation located on the site.
29 No disturbance of any pre-development vegetation or soils shall be permitted prior to the approval
30 of the management plan. Vegetation management shall be allowed for the purpose of integrating
31 pre-development vegetation both visually and physically into the site's master landscape plan.

Maintenance guidelines shall be required and provisions made for any supplemental planting, if additional plantings are desired. Approved maintenance activities include pruning of dead and hazardous tree limbs, planting, mulching, fertilization, and pest control. Mechanical methods which compact the earth or impair root systems, or the pruning of limbs greater than 10% of the green mass of a tree are prohibited, unless otherwise allowed in an approved management plan. Activities that would result in a change in the vegetative composition of the forest community including removal of native species and replacement by invasive/exotics, or the removal of understory and ground cover are prohibited.

Sec. 10-225. Stormwater management facility landscaping.

- (a) Visual screen. A visual screen shall be placed around the entire perimeter of any detention or retention facility around which fencing is required pursuant to section 10-208(10).
- (b) Landscape area credit availability. As a design alternative, 100% credit can be given toward the 25% landscape area requirements of section 10-257 when stormwater retention facilities meet the minimum standards as follows:

- (1) Impoundment water depth is no deeper than 24 inches.
- (2) Sediment sumps are to be located at all points of concentrated inflows to the pond.
- (3) The pond area allowable for landscape credit shall be defined as the area encompassed by the pond's contour line at the spillway elevation.
- (4) Landscaping shall function to visually integrate the stormwater management system into the overall landscape design of the site.
- (5) The pond is landscaped in accordance with the following standards:
 - a. Planting specifications. Species selected for stormwater management

1 facility landscaping shall be suitable for individual pond
2 characteristics of soil, slope, aspect and hydro period and micro
3 climate.

4
5 b. Plant Material requirements.

6 1. Stormwater management facilities are to be landscaped with
7 native species which are well suited to the use within the
8 boundaries of a stormwater management facility, including
9 fluctuating water levels, changes in hydro periods, and
10 anthropogenic impact. Aquatic species which are listed as
11 prohibited by the Florida Department of Environmental
12 Protection cannot be used under any circumstances.

13
14 (a) Total tree, shrub, and ground cover requirements
15 within the stormwater management facility area shall
16 be determined using the planting specifications in the
17 "Environmental Design Guide," published by the City
18 of Tallahassee, Growth Management Department, or
19 its successor.

20
21 (b) Creative design and spacing of trees, shrubs and
22 ground covers is encouraged.

23
24 (c) Plant material. No aquatic plants or plants which are
25 classified as those requiring water on a continual basis
26 for survival shall be permitted. Since dry retention
27 ponds typically possess significant fluctuation in
28 hydro periods, with the potential for extended dry
29 periods, plants must be chosen which are adaptable to
30 either dry or wet conditions, but capable of surviving
31 and growing in either extended periods of inundation

1 or extended periods of drought as referenced in the
2 "Environmental Design Guide," published by the City
3 of Tallahassee, Growth Management Department, or
4 its successor. Other species may be used in dry
5 retention ponds if there is scientific evidence of their
6 adaptability. Creative design and spacing of trees,
7 shrubs and ground covers is encouraged.

8
9 (d) Swales and berms. All swales and berms shall be
10 sodded.

11
12 Sec. 10-226. Topographic alterations.

13 All projects involving alteration of the contour, topography, use or vegetation cover of land, shall
14 comply with the "Florida Development Manual --A Guide To Sound Land and Water Management"
15 published by the Florida Department of Environmental Protection.

16
17
18 Sec. 10-227. Notice of violation.

19 Whenever the Director determines that a violation of this Article has occurred, the Director shall
20 immediately issue written notice to the person in violation, identifying the nature and location of the
21 violation and specifying that remedial action is necessary to bring the violation into compliance. For
22 purposes of this section, the person in violation shall include the owner of the site and any and all
23 contractors, agents or other individuals actually violating any of the provisions of this Article. The
24 person in violation shall immediately, conditions permitting, commence remedial action and shall
25 have three calendar days after receipt of the notice to correct erosion/sediment control violations, and
26 seven calendar days after the receipt of the notice, or such longer time as may be specified in the
27 notice, to complete all other remedial actions required to bring the activity into compliance with this
28 article.

29
30
31 Sec. 10-228. Stop work order.

(a) Warranting circumstances. The Director shall have the authority to immediately issue a stop work order in any of the following circumstances:

- (1) When clearing or other development of land is being implemented without an approved environmental management permit.
- (2) Upon the failure of the permittee, or failure by the property owner if no permit exists, to take immediate corrective action when there is an apparent danger to life or property.
- (3) Whenever ongoing non-complying work is not immediately and permanently stopped upon receipt of a written or oral notice of violation.
- (4) Whenever tree protection measures have not been implemented or maintained and danger to protected trees exists or appears imminent.
- (5) Whenever remedial work required by notice of violation pursuant to section 10-227 or section 10-356 is not completed in the time period specified.
- (6) Upon failure to post a placard indicating existence of an approved environmental management permit.
- (7) Upon failure to have the approved environmental management permit and plans available on site.
- (8) Upon the failure of the permittee, or failure by the property owner if no permit exists, to contain sediments on site.
- (9) Whenever there are inadequate or improperly installed erosion and or sedimentation control devices on site and written or oral notice of violation has been issued.

1 (b) Content and scope. The stop work order shall specify the circumstances which have
2 resulted in issuance of the order. It shall also direct that all work be stopped other
3 than such remedial work as is deemed necessary to bring the project into compliance,
4 or it may specify the cessation of specific work by functional nature, such as clearing,
5 grading, roadway construction, building erection or utility construction. The order
6 may apply to the entire project or to any geographical portions of the project which
7 may be individually specified.
8
9

10 **Sec. 10-229. Failure to comply after notice of violation or stop work order.**

11 If the person in violation, including the owner, fails to complete recommended remedial action
12 within the time allowed, fails to take the recommended remedial action after the issuance of a stop
13 work order under section 10-227 or section 10-357, or if any person continues any development
14 activity in violation of a stop work order, the Director shall refer such matter to a duly established
15 code enforcement board or shall initiate any other enforcement action authorized by law.
16
17

18 **Sec. 10-230. Immediate corrective actions.**

19 Whenever it is determined by the Director that failure to maintain stormwater management facilities
20 or erosion or sedimentation controls, or failure to conform to the provisions of this article or permit
21 conditions, is resulting in danger or damage to life or property, the Director shall require immediate
22 corrective action. Sediment controls which are breached due to development activity, rain, or other
23 factors shall be repaired within 24 hours of the breach. Initiation of any required clean-up activities,
24 including authorized off-site work, shall commence within 24 hours and shall be completed within
25 a time specified by the Director. Failure to take such immediate corrective action when notified of
26 the need for such action shall constitute a violation of this article. If immediate corrective measures
27 are not taken by the permittee or owner and the state of development is such that there is a danger
28 or hardship to the public, the Director may enter upon lands, take corrective actions, and place a lien
29 on the real property of such person or persons to recover the costs of the corrective measures; in
30 addition, the Director may revoke the operating permit or the environmental management permit,
31 if either exists, pursuant to Section 10-364 or 10-365. Nothing in this section prohibits the institution

of any lawsuit by the County or any property owner with standing for injunction or damages by reason of a breach of this section.

(a) Purpose and intent. The purpose and intent of the Bradfordville Commercial Overlay District is to implement Section 4.2 of the Bradfordville Sector Plan adopted by the Board of County Commissioners on July 11, 2000 (the "Bradfordville Sector Plan") in a manner consistent with the Comprehensive Plan. Commercial uses, as referenced in this Section 10-959, shall include all uses in Division G and all uses in Major Groups 70, 72, 75, 76, 78 and 79 in Division I of the Standard Industrial Code.

(b) Allowable uses. All uses permitted under the base zoning shall be authorized with the following exceptions:

(b)

(1) In areas designated CO-1 in the Bradfordville Sector Plan, drive-through uses shall be reviewed under the type "B" site and development plan review process.

(2) In areas designated CMUO-2 in the Bradfordville Sector Plan, warehouses, mini-warehouses and self-storage units shall be authorized only as a planned unit development through the Type "D" site and development plan review process.

(3) In the Village Center within CO-1 and areas designated as CMUO-2 in the Bradfordville Sector Plan, all uses shall be considered through the type "B" site and development plan review process. Additionally, the following uses shall be prohibited, regardless of the base zoning:

a. Automotive service and repair

b. Towing, wrecking and recovery services

- c. Motor vehicle fuel sales
- d. Pawnshops
- e. Pest control services
- f. Cemeteries
- g. Crematoriums
- h. Dry cleaning plants
- i. Gun firing ranges
- j. Self-moving operations
- k. Wholesale building supplies
- l. All types of drive-through facilities
- m. Any use which by application of performance standards related to noise, vibration, electrical or magnetic disturbance, excessive light, odor or emanation of physical or chemical particles harmful to air or water quality standards, produces effects or impacts equal to or greater than the uses listed in subsections (a) through (l) of this section 10-959(a)(3).

(c) Applicable development standards.

(1) Intensity

a. Non-residential floor area ratios. The maximum floor area ratio for areas within the Village Center as designated in the Bradfordville Sector Plan may be increased to 0.229, provided that the 25% natural open space requirement is provided off-site in conformance with adopted policies and standards. Other areas shall be subject to floor area limits established in the base district.

b. Open space and impervious cover standards.

- 1. In areas designated CO-1, all development shall retain 25% of the site as natural open space, provided however, that the Board may authorize the fulfillment of this requirement in a designated off-site

open space mitigation area, if such area has been created by the Board. In the village center portion of the CO-1 area, participation in the County's off-site open space mitigation program shall be required if the Board has created such program.

2. In areas designated CMUO-2, all development shall retain 35 percent of the site as natural open space except that for townhome development exceeding 8 dwelling units per acre, a minimum of 40 percent natural open space shall be required.

3. Not more than 40 percent of each site developed in areas designated CO-1 and not more than 30 percent of each site developed in areas designated CMUO-2 shall be covered with impervious surfaces.

c. Residential density – Residential development within the CO-1 district shall be limited to single family attached (townhouse) with a minimum density of 6 dwelling units per acre and a maximum of 12 dwelling units per acre. All residential development in areas designated CMUO-2 in the Bradfordville Sector Plan shall comply with the following minimum and maximum density standards. Densities are expressed in terms of dwelling units per gross acre.

<u>Type of Residential Use</u>	<u>Minimum Density</u>	<u>Maximum Density</u>
<u>Single family detached</u>	<u>1 DU/acre</u>	<u>4 DUs/acre</u>
<u>Single family attached (duplex)</u>	<u>4 DUs/acre</u>	<u>6 DUs acre</u>
<u>Single family attached (townhouse)</u>	<u>6 DUs/acre</u>	<u>8 DUs/acre</u>
<u>Single family attached (townhouse) with 40% natural open space retention</u>	<u>8 DUs/acre</u>	<u>12 DUs/acre</u>

(2) Phasing of Development

a. Within areas designated CO-1 in the Bradfordville Sector Plan, a maximum of 350,000 square feet of gross leasable area of commercial development in addition to existing square footage at the time of the adoption of this provision shall be permitted to be developed prior to the year 2010 unless:

1. The County has conducted an analysis and the Board has found that additional commercial development would be consistent with the Comprehensive Plan and Bradfordville Sector Plan; or
2. The County has adopted amendments to the Comprehensive Plan and Bradfordville Sector Plan modifying the limits on the commercial development; or
3. The Board has determined through the rights determination process established in Section 6 of Ordinance No. _____ adopted by the Board of County Commissioners on July 11, 2000, that the site is not subject to this provision.

b. Within the area designated CMUO-2 in the Bradfordville Sector Plan, no commercial uses may be developed prior to the year 2010 unless the Board has found that the proposed development is consistent with the Comprehensive Plan and Bradfordville Sector Plan and all implementing Land Development Regulations; and any of the following is true:

1. The County has conducted an analysis and the Board has found that additional commercial development would be consistent with the Bradfordville Sector Plan and the Comprehensive Plan, as amended; or
2. 80% of the developable land (excluding dedicated rights-of-way, designated natural areas, stormwater facilities, landscape areas, and

1 protected environmental features) designated CO-1 in the Bradfordville
2 Sector Plan has been developed and not more than 350,000 square feet of
3 commercial floor area has been previously permitted; or
4

5 3. The commercial uses are an integrated part of a mixed-use development,
6 developed in accordance with the provisions of section 10-959(c)(3),
7 below; or
8

9 4. The County has adopted amendments to the Comprehensive Plan and
10 Bradfordville Sector Plan modifying the limits on the commercial
11 development; or
12

13 5. The Board has determined through the rights determination process
14 established in Section 6 of Ordinance No. _____ adopted by the
15 Board of County Commissioners on July 11, 2000, that the site is not
16 subject to this provision; or
17

18 6. The proposed commercial development is part of a single,
19 coordinated planned development project, which may be bisected by
20 a local or minor collector street and for which the Board finds that:
21

22 a. more than 35 percent of the land area is located in the CO-1
23 area as designated in the Bradfordville Sector Plan; and
24

25 b. commercial development does not exceed 25,000 square feet
26 or the commercial allowance established in subsection
27 10-959(c)(2)a.; and
28

29 c. there is significant community benefit in the form of
30 improved traffic flow within the Bradfordville Commercial
31 Area Overlay.

1
2
3 (3) Mixed-Use Development

- 4 a. For the purposes of this section, mixed-use development includes
5 developments with residential and non-residential components.
6
7 b. In areas designated CMUO-2, residential square footage shall be no
8 less than 80 percent of the gross leasable floor area of all
9 non-residential uses within a mixed-use development.
10
11 c. In areas designated CMUO-2, commercial development serving the
12 residential uses on the site may be permitted at a rate of up to 25
13 square feet of gross leasable area per dwelling unit within the
14 mixed-use development.
15
16 d. The maximum intensity of mixed-use development shall be
17 calculated based on the adopted floor area ratio standard for
18 non-residential development in the district, subject to site limitations.
19 Building floor area shall be the sum of gross leasable non-residential
20 floor area and heated residential floor area.
21
22 e. Mixed-use developments shall be reviewed and authorized through
23 the planned unit development process, subject to the Type D Site and
24 development plan review process.
25

- 26 (4) Design Standards. The following site planning and building design
27 guidelines shall apply to development within the Bradfordville Commercial
28 Area Overlay District. The Board shall promulgate rules in an administrative
29 design guidelines procedural manual to provide for the application of these
30 guidelines.
31

a. Site Planning Guidelines. Site planning guidelines address the location, orientation and configuration of structures on a parcel of land with regards to the parcel's own boundary lines and adjacent streets, structures and spaces. Site design elements include the following:

1. Site Placement and Orientation of Buildings: Where appropriate, structures shall be located in front of, and so as the screen, parking lots to allow compact and convenient pedestrian linkages between buildings, parking areas and sidewalks. Buildings should also be placed and, as appropriate, clustered to create clear sight-lines to entrances and to public open spaces, plazas and gathering areas.
2. Parking: Where appropriate, particularly within the village center, parking will be centrally clustered so as to be shared by multiple uses/tenants, with convenient pedestrian paths and corridors articulated by changes in pavement materials, colors or textures where they cross parking lots and driveways, and by landscaping and pedestrian scaled lighting.
3. Landscaping: Required landscape buffers should meet opacity requirements noted above and should use a palette of native and naturalized plant species. Major pedestrian corridors should be articulated by continuous alignments of trees and shrubs, pergolas, arcades or other landscape or architectural design elements.
4. Drainage: As may be feasible, drainage structures, including retention ponds and drainageways, should be designed to imitate "natural" pond characteristics, including curved geometries, gently sloping edges, landscaping and paving materials, and should be placed so as to be focal design amenities.

1 5. Outdoor Spaces: Within the village center, developments are
2 encouraged to incorporate central plazas connecting multiple
3 uses designed to accommodate activities, including outdoor
4 dining, displays, special events and entertainment.

5 6. Fences/Screening: Fences, screening and berms, where
6 required, shall use only natural materials: stone, wood, stucco,
7 etc. Chain link fencing will not be approved except in areas
8 out of public view.

9 7. Storage, Utilities and Services: shall be shielded from public
10 view by landscaping, walls, fencing or by placement of
11 buildings.

12
13 b. Building Design Guidelines. All buildings within the Bradfordville
14 Commercial Center Overlay District shall incorporate elements of
15 local vernacular styles, typical within the Tallahassee region,
16 described generally below. It is not the intent to mandate that all
17 buildings be designed in a particular design style, but rather to create
18 a "village theme" by flexibly combining related indigenous materials
19 and styles. Standardized building designs with overt "product
20 branding" as in standardized chain fast food restaurants or gas
21 stations should not be permitted.

22
23 1. Architectural Detailing: Vernacular architectural elements
24 and details are encouraged to be incorporated including, but
25 not limited to, bracketed overhangs, windows articulated by
26 mullions and accented by shutters, dormers, porches,
27 verandas and arcades, particularly as may be used to define
28 pedestrian areas and entrances. Standardized storefronts,
29 excessive use of plate glass and uninterrupted facade planes
30 should be avoided.
31

2. Colors, Textures and Materials: Consistent with intended vernacular character, the use of quality, natural and indigenous materials is encouraged on major facade elements including: natural wood siding, brick and stone. High quality, authentic looking man-made materials, such a fiber-cement board and stucco, are also acceptable for construction. However, materials such as vinyl siding, metal and plastic sheathing, and "simulated natural" materials should be avoided. Natural, subdued earth tone colors are preferred over primary colors except as may be used for accents. Excessively brilliant, metallic or reflective colors will be avoided.

3. Roof Forms: Elemental to vernacular design is the use of varied and articulated sloping roof forms. Flat roof areas should only be permitted in limited areas such as entrance canopies, walkway connections, storage and mechanical equipment areas, arcades, etc. Appropriate roof materials include metal standing seam, wood shakes, shingles and tile. Primary or bright colors and shall be avoided.

(5) Streets. Development along the new roadways proposed in the Bradfordville Sector Plan shall comply with the setbacks established in Section 10-1107 for a three-lane road. The Board may approve alternatives to planned road alignments upon finding that the proposed alternate alignment serves the same transportation function as the planned alignment.

(6) Signs. Signs within the Bradfordville Commercial Overlay District shall comply with all sign regulations applicable within the underlying zoning district, except that the maximum area and height of signs shall be based on the abutting roadway classification in accordance with the following table:

<u>Roadway Classification</u>	<u>Maximum Area</u>	<u>Maximum Height</u>
<u>Arterial Roads</u>	<u>100 square feet</u>	<u>14 feet</u>
<u>Major Collector Roads</u>	<u>70 square feet</u>	<u>10 feet</u>
<u>Minor Collector and Local Roads</u>	<u>40 square feet</u>	<u>6 feet</u>

Section 10-960 -Scenic Overlay District

(a) Purpose and intent. The Scenic Overlay District applies to unique natural environments within Leon County that warrant special protection. The district protects identified scenic viewsheds from development that would reduce property values and threaten natural resources through unnecessary destruction of vegetation.

(b) Applicability. The scenic overlay district shall apply to the following areas:

(1) Lake McBride -the provisions of the Lake McBride scenic overlay district shall apply to all development within the Lake Viewshed Overlay as designated in Figure 12 of the Bradfordville Sector Plan surrounding Lake McBride, except the following:

a. construction or alteration of an accessory structure to a single-family, single-family attached, or duplex residential structure if:

1. not more than one principal residential structure is maintained on a legal lot or tract; and
2. the proposed improvement is not located in Zone "A" of the Lake McBride Special Development Zone;

b. interior alteration of an existing building that does not increase the square footage, area, or height of the building;

- c. construction of a fence that does not obstruct the flow of water;
- d. clearing an area up to 15 feet wide for surveying and testing, unless a tree more than 12 inches in diameter is to be removed;
- e. restoration of a damaged building that begins within 12 months of the date of the damage provided that the reconstruction does not increase the lot area or the impervious coverage or height of the building prior to its damage;
- f. enclosure of an existing staircase or porch;
- g. construction of an uncovered wooden ground level deck up to 5,000 square feet in size;
- h. replacement of a roof where the building with the new roof will not exceed building height limits;
- i. remodeling of an exterior facade if construction is limited to the addition of columns or awnings for windows or entrance ways;
- j. a sidewalk constructed on existing impervious cover;
- k. modification of up to 3,000 square feet of a building or impervious cover on a developed site to make facilities accessible for persons with disabilities.

(c) Development guidelines. Development within the scenic overlay district shall comply with the following standards:

- (1) Building height. Buildings in commercial, office and service districts shall not exceed 30 feet in height as measured from average grade. No other non-residential structures shall exceed 45 feet in height.

(2) Building finish. Buildings and roofs shall be finished with non-reflective surfaces.

(3) Clearing. No tree with a diameter of 12 inches DBH or greater shall be removed without the written approval of the Director in the church or residential area as designated in the Lauder 163 Agreement as recorded in the public record.

(4) Lighting. Lighting fixtures shall direct light downward and shall not be mounted at a height in excess of 30 feet. The projected cone of light from a fixture shall not exceed 120 degrees. All lighting fixtures for non-residential development shall be designed so that the source of light is not directly visible from the lake.

(5) Additional buffers. The property designated church and residential in the Lauder 163 Agreement as recorded, shall be surrounded by a 25 foot wide vegetative buffer, broken only by authorized access points.

(6) Density. The property designated church and residential in the Lauder 163 Agreement as recorded, shall be limited to a residential density not to exceed one unit per 3 acres.

Section 10-1429 -Conservation Subdivision

(a) Purpose and intent. Conservation or cluster subdivision design is encouraged to preserve and protect open spaces and environmentally sensitive land by concentrating development on the most developable portion of a site. Applicants shall be required to participate in a pre-application meeting prior to submission of an application. The following standards shall apply to proposed conservation subdivision design developments. These provisions may apply to cluster development in the urban fringe area and shall apply to all cluster development proposed in areas designated Rural Residential in the Bradfordville Sector Plan.

(b) Procedures. Conservation subdivisions shall be reviewed and authorized through the

subdivision and Type "D" site and development plan review processes.

(c) Density. The gross density shall not exceed the maximum density established for the land use category and base zoning applicable to the subject parcel, subject to a suitability determination made by the Leon County Health Department. Up to a 10% density bonus may be approved at the discretion of the Board if more than 50% of the site is reserved in perpetuity for common open space through a conservation easement or for natural resource preservation purposes through a mechanism acceptable to the Leon County attorney and approved by the Board.

(d) Minimum Lot Size. The minimum lot size shall be one acre unless the Board finds that provisions have been made to adequately address wastewater treatment and disposal, and that the superior design of the site using smaller lots strengthens the rural character of the developed and open space areas.

(e) Maximum Lot Size. No residential lot shall be greater than three (3) acres in size.

(f) Open Space.

(1) At least fifty (50) percent of the gross development area shall be reserved as common open space.

(2) Open spaces shall be continuous to the greatest extent practical and shall be of sufficient dimensions to accommodate authorized uses.

(3) Common open space use limitations shall be established prior to approval of the final plat. Generally, common open space may be reserved for natural open space, passive recreation uses (e.g., greenbelts, trails, picnic areas or open fields), agricultural land or environmental purposes.

(4) If common areas are to be used for agricultural purposes, the applicant shall establish a type "D" buffer between common pastures, animal enclosure areas or crop lands

1 and residential lots. The applicant shall also establish appropriate easements to
2 address common impacts of the normal agricultural operations (e.g., noise, dust or
3 odors).

4
5 (5) Development easements on agricultural or open space land shall be encouraged in
6 order to protect the reserved land in perpetuity and to afford maximum state and
7 federal tax incentives, deductions and credits to the landowner.

8
9 (g) Access. Access to the residential units in a conservation subdivision design development
10 shall be provided from internal streets with the principal entrance of the internal road system
11 abutting upon a public road. For any proposed private street serving more than four (4)
12 dwelling, the establishment of road maintenance and funding mechanisms shall be required,
13 and shall be approved by the person or entity with the authority to approve such
14 development.

15
16 (h) Maximum Number of Residential Dwelling Units per Cluster. Residential dwelling units
17 shall be clustered in groups of not more than 10 dwelling units per cluster.

18
19 (i) Separation Between Clusters. Residential clusters shall be separated by a minimum of 400
20 feet of open space in rural residential areas as designated in the Bradfordville Sector Plan.

21
22
23 Section 10-1005. Same -Effect of listing.
24

25 (a) The historic preservation officer may issue an official certificate of historic
26 significance to the owner of properties listed individually on the local register or
27 judged as contributing to the character of a district listed on the local register. The
28 county administrator or designee is authorized to issue and place official signs
29 denoting the geographic boundaries of each district listed on the local register.

30
31 (d) Certificate of appropriateness.

1 (1) When required.

2
3 (2) Criteria for issuing.

4
5 c. Issuance of certificates of appropriateness for demolitions shall be guided by
6 the following factors:

- 7 1. The historic or architectural significance of the building, structure, or
8 object.
9 2. The importance of the building, structure, or object to the ambience
10 of a district.
11 3. The difficulty or the impossibility of reproducing such a building,
12 structure, or object because of its design, texture, material, detail, or
13 unique location.
14 4. Whether the building, structure, or object is one of the last remaining
15 examples of its kind in the neighborhood, the county, or the region.
16 5. Whether there are definite plans for reuse of the property if the
17 proposed demolition is carried out, and the effect of those plans on
18 the character of the surroundings.
19 6. Whether reasonable measures can be taken to save the building,
20 structure, or object from collapse.
21 7. Whether denial of a certificate of appropriateness would inordinately
22 burden the property owner by permanently depriving the owner of all
23 reasonable investment-backed expectations for the use of the
24 property.
25 8. For properties on the Florida Master Site File list located in the
26 Bradfordville Study Area, as defined in the Leon County 2010
27 Comprehensive Plan, any approved demolition cannot be performed
28 until 90 days after the issuance of the certificate of appropriateness
29 for the demolition.

30
31 d. For buildings in the Bradfordville Study Area, as defined in the Leon County

2010 Comprehensive Plan, that are more than 50 years old, no demolition permits will be issued until a Cultural Resource Assessment is completed by the applicant.

1. If the result of the Cultural Resource Assessment is a determination that the property is eligible for listing on the National Register of Historic Places individually or as a contributing property to a district, or that the property is already listed on the National Register either individually or as a contributing property to a district, the applicant shall apply for a certificate of appropriateness and comply with the procedures set forth in section 10-1005(d) (3). No permit for demolition shall be issued and demolition shall not commence until 90 days after the issuance of the certificate of appropriateness for the demolition. Within the first 30 days of this delay period, the applicant shall confer with the local historic preservation officer or the Architectural Review Board to explore options to preserve the historic building. The applicant is encouraged to confer with the Tallahassee Trust for Historic Preservation at the earliest possible date to reach a resolution or agree upon a mitigation plan, in which case the 90 days may be waived.

2. If the result of the Cultural Resource Assessment is a determination that the property is ineligible for listing on the National Register, a permit for demolition may be issued to the applicant immediately after issuance of the certificate of appropriateness and satisfaction of mitigation conditions, if any.

3. If a means is not found during consultation with the Architectural Review Board or the local historic preservation officer to avoid demolition of a property that is listed or eligible for listing on the National Register either individually or as a contributing property to

1 district, mitigation of the adverse effect of the demolition may be
2 required as a condition of issuance of the certificate of
3 appropriateness. Mitigation measures shall include one or more of
4 the following:

- 5 i. Relocation;
6 ii. Allowing salvage of specified features and materials;
7 iii. In the case of a contributing building to a district, requiring
8 that new construction on the site is compatible with the
9 historic character of its surroundings; or
10 iv. Requiring documentation of the property in accordance with
11 the standards of the Historic American Building Survey
12 ("HABS") or the Historic American Engineering Record
13 ("HAER") developed by the National Parks Service.
14

15 *Note: An internal procedure will be implemented to determine if the structure is more than*
16 *50 years old.*

17
18

- 19 (e) Single family dwelling units listed on the Florida Master Site File List within the
20 Bradfordville Study Area, as defined in the Leon County 2010 Comprehensive Plan,
21 shall have a 2-week stay from the date that an application for any applicable building
22 permit is submitted and a facsimile copy of the application is received by the
23 Tallahassee Trust for Historic Preservation. The property owner will be notified at
24 time of application about the 2-week stay to allow the Tallahassee Trust for Historic
25 Preservation the opportunity to review the collection of archaeological information.
26
27

28 **Section 10-1236. BC-1: Bradfordville Commercial - Auto Oriented District.**
29

30 **2. Principal Uses**

31 (58) Residential, office and mixed-use development in the

Bradfordville Commercial Area Overlay District that complies with
the provisions of Section 10-959.

Section 10-1237. BC-2: Bradfordville Commercial -Pedestrian Oriented District.

2. Principal Uses

(39) Residential, office and mixed-use development in the
Bradfordville Commercial Area Overlay District that complies with
the provisions of Section 10-959.

Section 10-1238. BCS: Bradfordville Commercial Services District.

2. Principal Uses

(32) Residential, office and mixed-use development in the
Bradfordville Commercial Area Overlay District that complies with
the provisions of Section 10-959.

Section 10-1239. BOR: Bradfordville Office Residential District

2. Principal Uses

(16) Residential, office and mixed-use development in the
Bradfordville Commercial Area Overlay District that complies with
the provisions of Section 10-959.

SECTION 5. REPEAL OF THE INTERIM DEVELOPMENT ORDINANCE

Ordinance 99-31 is hereby repealed in its entirety as of the effective date of this Ordinance.

SECTION 6. ESTABLISHMENT OF A RIGHTS DETERMINATION PROCESS

- (a) *Applicability.* Any person who alleges that the Bradfordville Commercial Area Overlay District, either facially or as applied, interferes with a pre-existing vested right, a lawful, nonconforming use, a right established by equitable estoppel, development agreement rights, a deprivation of due process, a violation of equal

1 protection, a taking of property, an impairment of the obligation of contract, or under
2 any provision of the Florida Constitution or the Bert J. Harris Act (hereinafter
3 "rights") and asserts such rights in any judicial proceeding for equitable or
4 declaratory relief, mandamus, certiorari, damages, or compensation pursuant to law,
5 whether in state or federal court shall first be required to present a claim, pursuant to
6 paragraph (a) below to the Director of the Department of Community Development
7 (hereinafter "Director") for a determination of whether such claim shall be granted
8 in whole or in part. If the Director determines that granting such claim in whole or
9 in part will substantially interfere with the nature and concept of the Bradfordville
10 Sector Plan Commercial Area, alternative relief may be granted by the Director by
11 way of compensation, variance, cluster, or other appropriate relief, provided that
12 compensation or transfer of development rights shall only be permitted upon the
13 approval of the Board of County Commissioners. No judicial proceedings on such
14 claim shall be commenced or shall be ripe until this final determination has been
15 exhausted. The Director shall act upon such claim within thirty (30) days from the
16 date of filing of a completed application. The rights determination process does not
17 permit modifications to any part of this ordinance other than the provisions of the
18 Bradfordville Commercial Area Overlay District.

19
20 (b) *Application.*

21 (1) The owner shall request a determination of the claim by filing a technically
22 complete, sworn application and the application fee with the Department of
23 Community Development within ninety (90) calendar days of July 18, 2000,
24 upon a form to be provided for that purpose, setting forth the following
25 information:

- 26
27 a. The name and address of the applicant, who shall be the owner or a
28 person authorized to apply on behalf of the owner; if the property is
29 owned by more than one person, any owner or an authorized agent of
30 the owner may apply.
31

- b. A legal description and survey of the property which is the subject of the application.
- c. The name and address of each owner of the property.
- d. A site or development plan or plat for the property.
- e. Identification by specific reference to any matters upon which the applicant relied and which the applicant believes to support the applicant's claim.
- f. A statement of facts which the applicant intends to prove in support of the application.

(2) Failure to timely file an application requesting a determination within the prescribed time limits shall constitute a waiver of any such claim by the owner of the property in any judicial proceeding brought to enforce such claim through certiorari, mandamus, injunctive, equitable, legal, declaratory, damages, or compensatory relief.

(3) The Board of County Commissioners shall establish an application fee by resolution and such application fee shall be included with the application for a determination of rights.

(b) Review of Application.

The Department of Community Development shall screen the application to determine whether it is technically complete. Technically incomplete applications shall be returned to the applicant with written notification of deficient items not provided. Upon accepting a technically complete application, for which the application fee has been submitted, the Director shall review the application and make a final determination within thirty (30)

1 calendar days whether or not the application clearly and unequivocally asserts a valid claim
2 for relief and written notification of the decision shall be sent to the applicant.

3
4 (c) *Appeals.*

5
6 (1) *Purpose.* It is the purpose of this section to provide an administrative process for
7 appealing decisions rendered by the Director. It is intended that such administrative
8 relief be provided in the most professional, objective, and equitable manner possible
9 through the Board of Adjustment and Appeals. No party shall be deemed to have
10 exhausted its administrative remedies for the purpose of seeking judicial review
11 unless the party first obtains a determination of the Director and proceeds through the
12 appellate process with the Board of Adjustment and Appeals, if an appeal has been
13 filed.

14
15 (2) *Filing for appeal.* The procedure for filing an appeal shall be as follows:

- 16
17 a. Appeals shall be commenced by any interested or intervening party with
18 standing filing a notice of appeal with the Director and the Clerk of the Board
19 of Adjustment and Appeals within fifteen (15) calendar days of the date of
20 the written determination of the Director.
- 21
22 b. The notice of appeal shall set forth in detail the basis of the appeal.
- 23
24 c. The decision of the Director shall be stayed, pending the final determination
25 of the appeal.
- 26
27 d. Within fifteen (15) days of the hearing, the Board of Adjustment and Appeals
28 shall prepare written findings and a decision; copies of the findings and
29 decision shall be mailed to each party to the appeal and to the Director.

30
31 (3) *Conduct of the hearing.* Conduct of the hearing before the Board of Adjustment and

1 Appeals shall be as follows:
2

3 a. The Board of Adjustment and Appeals shall set forth at the outset of the
4 hearing the order of the proceeding and the rules under which the hearing will
5 be conducted.
6

7 b. The order of presentation at the hearing shall be as follows:
8

- 9 1. Receipt of the written determination from the Director.
- 10 2. Opening statement by the parties.
- 11 3. Appellant's case.
- 12 4. Respondent's case.
- 13 5. Rebuttal by appellant.
- 14 6. Summation by respondent.
- 15 7. Summation by appellant.
- 16 8. Conclusion of the hearing by the Board of Adjustment and Appeals.

17 (3)
18

19 c. The record of the Director, including all exhibits, shall be received and
20 constitute a part of the record.
21

22 d. The Board of Adjustment and Appeals shall have the authority to determine
23 the applicability and relevance of all materials, exhibits and testimony and to
24 exclude irrelevant, immaterial or repetitious matter.
25

26 e. The Board of Adjustment and Appeals is authorized to administer oaths.
27

28 f. A reasonable amount of cross-examination of witnesses shall be permitted.
29

30 g. The time for presentation of a case shall be determined by the Board of
31 Adjustment and Appeals.

1
2 h. The Board of Adjustment and Appeals may allow the parties to submit
3 written findings of fact and conclusions of law following the hearing, and
4 shall advise the parties of the timetable for so doing, if allowed.
5

6 (4) Judicial Review. Judicial review of the Board of Adjustment and Appeals' decision
7 is available to the property owner and the county and shall be by common-law
8 certiorari to the circuit court within ninety (90) days of the filing and mailing of the
9 decision. In any case where judicial review is sought, the decision of the Board of
10 Adjustment and Appeals shall be stayed pending the final determination of the case.
11

12 **SECTION 7. CONFLICTS**

13 All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby
14 repealed to the extent of such conflict, as of the effective date of this Ordinance, except to the extent
15 of any conflicts with the Tallahassee-Leon County Comprehensive Plan, as amended, which
16 provisions shall prevail over any parts of this Ordinance which are inconsistent, either in whole or
17 in part, with the Comprehensive Plan.
18

19 **SECTION 8. SEVERABILITY**

20 If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be
21 invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a
22 separate, distinct and independent provision and, such holding shall not affect the validity of the
23 remaining portions of this Ordinance.
24

25 **SECTION 9. EFFECTIVE DATE**

26 This Ordinance shall become effective on 7-14-00, at which time it shall apply
27 to all applications for a development for which no building permit has been issued.
28
29
30
31

1
2
3 DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County,
4 Florida, this 11 day of July, 2000.
5



LEON COUNTY, FLORIDA

BY: Jane G. Sauls
JANE G. SAULS, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

13 ATTEST:
14 DAVE LANG, CLERK OF THE COURT
15 LEON COUNTY, FLORIDA

16
17 BY: Dave Lang
18
19

APPROVED AS TO FORM:
LEON COUNTY ATTORNEY'S OFFICE
BY: Herbert W.A. Thiele
HERBERT W.A. THIELE, ESQ.
COUNTY ATTORNEY

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